

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TIA CAMILLE MCCOY,  
 Plaintiff,

vs.

CAPITAL ONE FINANCIAL CORPORATION,  
 Defendants.

Case No. 2:16-cv-01928-RFB-NJK

ORDER

This case has been assigned to the Early Neutral Evaluation Program. Docket No. 6. The evaluating magistrate judge has the authority to exempt any case from early neutral evaluation. *See* Local Rule 16-6(c). In this case, although Defendant has appeared to file a motion to dismiss, a report and recommendation also remains pending. *See* Docket Nos. 8, 16. In light of the current procedural posture of the case, the Court declines to set an early neutral evaluation at this time. In the event that Plaintiff is found by the Court to have stated a claim or Defendant files an answer to the complaint, within 14 days thereof the parties shall file a stipulation with five dates on which the parties propose setting the early neutral evaluation.<sup>1</sup>

IT IS SO ORDERED.

DATED: November 16, 2016

  
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 NANCY J. KOPPE  
 United States Magistrate Judge

<sup>1</sup> If both parties believe an early neutral evaluation would be fruitful at this time notwithstanding the procedural posture of the case, they may submit a stipulation so indicating and providing five proposed dates for the early neutral evaluation.